

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/JP2004/003038

International filing date (day/month/year)
09.03.2004

Priority date (day/month/year)
12.03.2003

International Patent Classification (IPC) or both national classification and IPC
G06F1/00

Applicant
MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/JP2004/003038

Box No. II Priority

1. ☒ The following document has not been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	2-16,18-21,23-26
	No: Claims	1,17,22,27-30
Inventive step (IS)	Yes: Claims	
	No: Claims	1-30
Industrial applicability (IA)	Yes: Claims	1-30
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V.

The following documents are referred to in this opinion:

D1: US 2003/004888 A1 (TSUJIMOTO SHUICHI ET AL) 2 January 2003 (2003-01-02)

D2: US-B-6 389 4021 (GINTER KARL L ET AL) 14 May 2002 (2002-05-14)

1. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1,17,22,27-30 is not new in the sense of Article 33(2) PCT.

1.1 The document D1 discloses a digital content distribution system comprising an information recording apparatus and an information reproducing apparatus (D1, paragraph [0005]). The distributed content is protected by a license which includes information about the allowed use of the content.

The player uses the content according to the rights granted by the license. When the license is no longer valid, the player contacts a license information update apparatus, in order to obtain a valid, updated license (D1, paragraphs [0189]-[0195]).

When the initial license permits a long-term or a permanent use of the content, the content is allowed to be used only on a specific player, identified by an ID (D1, paragraphs [0307]-[0320]).

1.1 Document D1 therefore discloses:

A right management server (the license information update unit from D1, Figure 35) connected with a user terminal (information reproduction apparatus 1011 from D1, Figure 53) via a communication network for issuing license information to the user terminal so that the user terminal obtains the license information, said license information permitting a user to use a content, said server comprising:

a first condition generation unit (the first condition generation unit is the same as the second condition generation unit and comprises blocks 501-508 from D1, Figure 35) operable to generate a first condition (the first condition is "permanent use" - D1, paragraph [0313]) based on a content use right owned by the user, said first condition being a condition for permitting the user to use the content;

a second condition generation unit (blocks 501-508 from D1, Figure 35) operable to generate a second condition (the second condition is "only in the device with this specific ID" - see D1, paragraph [0313]) that indicates a part or all of the use permitted under the

first condition and indicates whether the license information is valid or invalid based on a logical product of the first condition and said second condition;

a license generation unit (block 509 from D1, Figure 35 - updated license information encryption section) operable to generate the license information including the first condition and the second condition in response to a license obtainment request from the user terminal (see paragraph [0313] of D1 "the decoder unit ID is added to the license condition"); and

a license issuance unit (block 511 from D1, Figure 35 - updated license information output section) operable to issue the generated license information to the user terminal so that said user terminal obtains said license information .

The subject-matter of claim 17 is therefore not new in the sense of Article 33(2) PCT.

1.3 Document D1 also discloses:

A user terminal (information reproduction apparatus 1011 from D1, Figure 53, where the decoder unit 1013 is the one of Figure 39 - see paragraph [0177] -, described in paragraphs [0307]-[0320]) connected with a right management server (the license information update unit from D1, Figure 35) via a communication network for obtaining license information from the right management server and using a content based on the obtained license information, said license information permitting a user to use the content, said terminal comprising:

a license obtainment requesting unit (the license obtainment requesting unit is the same as the license information returning unit - block 714 from Figure 39 - license condition change necessitating decision section) operable to request the right management server to Issue the license information (on the "YES" path in Figure 39 the license obtainment requesting unit actually requests the right management server to Issue the license information) so as to obtain said license information;

an invalidity judgment unit (block 715 -decision section- from D1, Figure 39) operable to judge whether the license information is invalid or not based on a first condition ("permanent use" - D1, paragraph [0313]) and a second condition ("only in the device with this specific ID") included in the obtained license information, said first condition being a condition for permitting the user to use the content based on a content use right owned by the user, said second condition indicating a part or all of the use permitted under the first condition and indicating whether the license information is valid or invalid based on a logical product of the first condition and said second condition (the use is permitted only when both conditions are satisfied);

a using unit (block 1014 - reproduction section - from Figure 53, D1) operable to provide the use of the content to the user when it is judged that the license information is not invalid; and

a license information returning unit (block 714 from Figure 39) operable to return the license information to the right management server when it is judged that the license information is invalid.

The subject-matter of claim 22 is therefore not new in the sense of Article 33(2) PCT.

2. Claim 1 is claiming a system comprising a server according to claim 17 and a user terminal according to claim 22 and, in view of the observations of paragraphs 1.2 and 1.3, is therefore also not new (Article 33(2) PCT).

It should be noted that although claim 1 has been formulated as an independent claim, since it comprises all the features of claims 17 and 22, it is dependent on these latter claims.

3. Claims 27,29 and 28,30 are corresponding or similar to claim 17, respectively claim 22 and are therefore also not new (Article 33(2) PCT), for reasons corresponding to those set out above.

4. Dependent claims 2-16,18-21,23-26 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty Article 33(2) PCT or inventive step Article 33(3) PCT, see documents D1, D2 and the corresponding passages cited in the search report.